

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON DOUGLAS, individually and on)
behalf of all others similarly situated,)
)
)
Plaintiff,) Case No. 14-cv-1741
)
)
v.) Hon. Gary Feinerman
)
THE WESTERN UNION COMPANY, a) Hon. Jeffrey Cole
Delaware corporation,)
)
Defendant.)

MOTION FOR REQUEST FOR DECISION

Pursuant to Local Rule 78.5, Plaintiff requests a decision concerning Plaintiff's Motion for Attorneys' Fees, Costs, and Incentive Award (Dkt. No. 61) and Motion to Approve Settlement (Dkt. No. 96) (collectively "Motions"), which are pending before this Court. In support of his motion, Plaintiff states:

1. This Court held a hearing on the Motions on April 25, 2016 ("Fairness Hearing").

At the hearing, and in the Motion to Approve Settlement, the parties presented evidence, among other things, that 54,316 claims had been filed by the February 22, 2016 claims deadline, and estimated that each class member would receive approximately \$95.90, assuming Plaintiff's Motion for Attorneys' Fees, Costs, and Incentive Award was granted, and that all claims were paid.

2. At the Fairness Hearing, the Court ordered joint briefing on certain issues, and continued the Fairness Hearing until June 1, 2016. (Dkt. 102.) In response to the Court's Order, Class Counsel submitted a Supplemental Filing on May 23, 2016. (Dkt. 111.)

3. In the meantime, in connection with granting the parties' additional time to file supplemental materials, the Court continued the June 1, 2016 hearing until June 10, 2016. (Dkt. 110.)

4. On May 25, 2016, having received Plaintiff's supplemental filing, the Court issued an order requiring additional information concerning attorneys' hours expended in this matter and on other matters referenced in the attorneys' fee petition. (Dkt. 112). The parties promptly responded to that order with supplemental filings. (Dkts. 113, 115.)

5. On June 10, 2016, the parties appeared before this Court at the continued Fairness Hearing. Among other things, the Court asked questions related to the possible amendment of the class definition, the due process ramifications of supplemental notice, and Class Counsel's supplemental filings concerning attorneys' fees. Following that hearing, the Court indicated it would rule by mail. (Dkt. 116.)

6. On August 5, 2016, the Court entered a minute order requiring the parties to address two letters addressed to the court by a class member (Mr. Lyons) concerning a claim submitted by that Class member. On August 19, 2016, Class Counsel and Defense Counsel filed a Memorandum Addressing Correspondence Received by the Court (the "Memorandum"). (Dkt. 121.) In the Memorandum, which was accompanied by a Declaration from the Director of Client Services at Epiq Class Actions & Claims Solutions, Inc. (the Settlement Administrator), the parties explained the specific cause of the problem Mr. Lyons experienced, the remedial measures taken to correct the problem, the subsequent investigation and audit performed, and Epiq's conclusion that the problem experienced by Mr. Lyons in submitting a claim was an aberration. (*Id.*)

7. Pending final approval of the Settlement, Epiq has continued to maintain and pay hosting fees for the settlement website, and has continued to receive inquiries concerning the

Settlement. Since the initial hearing dates of April and June 2016, Class Counsel has also continued to receive numerous inquiries from class members concerning the status of the Settlement.

8. On October 6, 2017, Plaintiff submitted a Notice of Supplemental Authority. (Dkt. 122.)

9. Plaintiff makes a Request for Decision on its motions so that the parties can move forward with (a) providing any supplemental notice should the Court find it necessary, (b) processing and paying class members' claims, and (c) paying attorneys' fees.

Dated: January 9, 2018

Respectfully submitted,

/s/ Joseph J. Siprut

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***Counsel For Plaintiff
And the Settlement Class***

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing **Motion for Request for Decision** was filed this 9th day of January 2018 via the electronic filing system of the Northern District of Illinois, which will automatically serve all counsel of record, and was sent this 9th day of January 2018 via electronic mail to:

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